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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,599	01/02/2001	Wayne L. Howie	65797	1924

7590 05/09/2002

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EXAMINER

SUN, XIUQUIN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/673,599

Applicant(s)

HOWIE ET AL. *me*

Examiner

Xiuqin Sun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 11-13, 15-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry et al. (U.S. Pat. No. 4581712) in view of Stankus et al. (U.S. Pat. No. 5542788).

Perry et al. disclose an apparatus and method for monitoring the dynamic loading rate on support systems used in an underground mine to withstand abutment pressure (see abstract; col. 1, lines 40-57; lines 65-68 and col. 2, lines 1-2), comprising: at least one load sensing device adapted to be coupled to one or more of the support systems used in the underground mine (col. 2, lines 27-42; col. 3, lines 58-68 and col. 4, lines 1-4); a programmable controller for processing support system loading information received from said at least one load sensing device (col. 2, lines 43-68; col. 3, lines 14-20 and col. 4, lines 5-23); and a printer that prints out reports generated by said programmable controller to provide warning indications used as an aid in determining when to install additional support systems and alert miners of dangerous loading conditions on the support systems (col. 3, lines 21-57); said load sensing device comprises a pressure transducer (col. 4, lines 52-59); said programmable controller

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comprises an embedded microprocessor having based system (col. 5, lines 40-59); said programmable controller identifies and calculates loading rate changes on said load sensing device installed on the support systems (col. 1, lines 40-57; lines 65-68 and col. 2, lines 58-68); said programmable controller is programmed to sequentially generate a warning report as the loading rate increases on the support systems (col. 3, lines 21-57).

The Perry apparatus and method does not inform real-time analysis on the sensed data and warning indications directly to the miners through the use of sensor indicators. The Perry apparatus and method neither mention explicitly: said load sensing device comprises a strain gauge; said load sensing device is adapted to be coupled to one or more of longwall shields, mobile roof support (MRS) machines, hydraulic jacks, rock bolts, steel sets, roof trusses and the like; said load sensing device is mounted with the underground mine support systems; and said plurality of sensory indicators comprise audible alarm indicators.

The disclosure of Perry et al. teach the step of providing timely warning indications directly to the miners through the use of sensory indicators, including audible alarm indicators (col. 1, lines 15-27 and col. 5, lines 60-66).

Stankus et al. disclose a method and apparatus for monitoring mine roof support systems which teaches: real-time monitoring and assessing the loading on mine support systems (see abstract; col. 4, lines 3-12; col. 16, lines 20-29; col. 19, lines 34-40 and col. 20, lines 47-52). The Stankus apparatus further teaches: a load sensing device comprises a strain gauge (col. 15, lines 58-61 and col. 16, lines 16-19); said load

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sensing device is adapted to be coupled to one or more of longwall shields, mobile roof support (MRS) machines, hydraulic jacks, rock bolts, steel sets, roof trusses and the like (col. 15, lines 51-68 and col. 16, lines 1-19); said load sensing device is mounted with the underground mine support systems (col. 4, lines 34-40; col. 4, lines 60-68; col. 5, lines 30-35 and lines 38-42).

It would have been obvious to include the teaching of Perry real-time warning indications, Stankus technique for real-time monitoring and analyzing of sensed data in the Perry apparatus in order to provide a better system for monitoring the loading rate on the mine support systems and to create a safer mine environment.

3. Claims 9-10, 14, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Perry et al. and Stankus et al., and further in view of Scott et al. (U.S. Pat. No. 4480480).

The Perry and Stankus combination teaches a method and apparatus that includes the subject matter discussed above except that: said plurality of sensory indicators comprise various color visual indicators including multicolor strobes, light-emitting diodes (LEDs), fluorescent visual indicators and the like; said programmable controller is programmed to sequentially report the increases of loading rate through different color lights; the load sensing device is welded onto the support systems in the installing step.

Scott et al. disclose a system and method for assessing the effect of a loading acting on a structure which teach the use of visual indicators to display output results

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(col. 30, lines 26-36 and col. 18, lines 44-63;). Scott et al. further teach a way to install a load sensing device by welding it onto the support systems (col. 14, lines 58-64;).

The Examiner further takes official notice that various color visual indicators including multicolor strobes, light-emitting diodes (LEDs), fluorescent visual indicators are well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teachings of Scott visual indicators and load sensor installation technique in the Perry and Stankus combination in order to provide a better way to monitor the loading rate on the mine support systems and alert miners of dangerous loading conditions.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Perry et al., Stankus et al., and further in view of Koppers et al. (U.S. Pat. No. 4887935).

The Perry and Stankus combination teaches a method and apparatus that includes the subject matter discussed above except that: the load sensing device is hydraulically coupled to the support systems in the installing step.

Koppers et al. teach a technique to install a load sensing device in the way that it is hydraulically coupled to the support systems (col. 9, lines 31-42).

It would have been obvious to include the teachings of Koppers technique for load sensing device installation in the Perry and Stankus combination in order to provide a better way to monitor the loading rate on the mine support systems.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached from 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten can be reached on (703)308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5841 for regular communications and (703)308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

XS

May 2, 2002



**JOHN S. HILTEN**  
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